

SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 24751-24850

Adulteration, Section 402(a) (2), the article, in two cases, contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406, and, in one other case, the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(a) (5), the article was in whole or in part the product of a diseased animal; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted wholly or in part for the article; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality; Section 406(a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity; and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; Section 403(g) (1), the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard; Section 403(h) (1), the article purported to be and was represented as a food for which a standard of quality has been prescribed by regulations, and its quality fell below such standard and its label failed to bear a statement that it fell below such standard; Section 403(i) the article was not subject to the provisions of Section 403(g), and (1) its label failed to bear the common or usual name of the food; and (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

BEVERAGES AND BEVERAGE MATERIALS

24751. Grape wine. (F.D.C. No. 41796. S. Nos. 23-006/8 P.)

QUANTITY: 22 ctns., 12 $\frac{1}{2}$ -qt. jugs each, and 5 ctns., 24 $\frac{1}{2}$ -pt. jugs each, at
Wilmington, Calif.

SHIPPED: 4-26-58, from Lisbon, Portugal.

RESULTS OF INVESTIGATION: The article represented the damaged portion of a lot which was stored upright and upside down in a hatch of the "SS Loch Garth" which was flooded by water from a broken ship waterline, resulting in the bottom cartons being immersed in blackened, floor-washed floodwater.

Examination showed a black, filthy, dried, watermark on the foil cap near the edge where the cap joined the neck of the jug. The caps were loose and could be easily slipped off. Some were heavily corroded on the inside due to slow leakage of wine, some were encrusted with white salts, and the edges of some were moldy.

LIBELED: 6-5-58, S. Dist. Calif.

CHARGE: 402(a) (3)—while in interstate commerce, the article was unfit for food by reason of having been contaminated with dirty hatch water; and 402(a) (4)—the article was held under insanitary conditions in dirty hatch water.

DISPOSITION: 6-25-58. Default—destruction.

24752. Coffee. (F.D.C. No. 40925. S. Nos. 69-251/2 M.)

QUANTITY: 5 140-lb. bags and 5 132-lb. bags at New York, N.Y.

SHIPPED: On an unknown date, from Venezuela and on 8-26-57, from British West Africa.

LIBELED: 12-2-57, S. Dist. N.Y.

CHARGE: 402(a) (3)—contained insect-infested beans and moldy beans while held for sale.

DISPOSITION: 1-8-58. Default—destruction.

24753. Coffee. (F.D.C. No. 40973. S. Nos. 68-041/3 M.)

QUANTITY: 27 cases, 24 cans each, at Webb City, Mo.

SHIPPED: 8-27-57 and 10-8-57, from Kansas City, Kans., by E. C. Conroy Coffee Co.

LABEL IN PART: (Can) "Drip" ("Regular" or "Fine") Grind Conroy's Supreme Blend Coffee * * * 1 Lb. Net."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 11-27-57, W. Dist. Mo.

CHARGE: 403(e) (2)—the label of the article failed to bear an accurate statement of the quantity of contents.

DISPOSITION: 1-10-58. Default—delivered to a charitable organization for its use, and not for sale.

24754. Coffee beans. (F.D.C. No. 40961. S. No. 69-255 M.)

QUANTITY: 972 130-lb. bags and 33 95-lb. bags at Freehold, N.J.

SHIPPED: Between 8-31-57 and 9-11-57, from Charleston, S.C., by C. G. Willis, Inc.

RESULTS OF INVESTIGATION: The article had been salvaged from a ship sunk off the coast of Charleston, S.C., on 8-11-57. The article was contaminated with sea water, and coffee brewed from the article had a disagreeable, foul, musty flavor.

LIBELED: 11-20-57, Dist. N.J.

CHARGE: 402(a) (3)—when shipped and while held for sale, the article was unfit for food by reason of having been submerged in sea water.

DISPOSITION: 1-28-58. Default—destruction.